What You Need to Know Now about Patents @ the USPTO

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Commissioner for Patents
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**USPTO at a glance**

**Patents stats**
- **FY 2020 filings**
  - New serialized application filings growth: 0.7%
  - Design filings growth: 4.1%

- **1,043,373** total applications pending

- **UPR inventory**
  - **576,103**

  (through September 30)

**Patent pendency stats**
- **Total patent pendency**
  - 23.3 months

- **Patent Term Adjustment Compliance**
  - Goal: 90% compliant with PTA timeframes (mailed and inventory)
  - Current status: 83% mailed, 88% inventory

  (through September 30)

**Other stats**
- **Allowance rate** (UPR):
  - **60%**

- **Appeal**
  - 59.3% affirmed
  - 9.2% affirmed-in-part
  - 29.7% reversed
  - 1.8% other (remanded, dismissed, etc.)

  (through September 30)
Patents External Perception Quality Survey
In the past 3 months, how would you rate overall examination quality?

- 51% 52% 51% 51% 50% 54%
- 50% 49% 50% 51%
- 61%
- 56%
- 58%
- 57%
- 24%
- 18%
- 11%
- 9% 9% 8% 9% 9% 8% 9% 9% 7% 6% 7% 5% 6%
# Patent Examiner Perception Survey

## Top Needs

<table>
<thead>
<tr>
<th>Specifications</th>
<th>Need</th>
<th>Experience</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having the inventive concept clearly set forth</td>
<td>8.07</td>
<td>5.06</td>
<td>3.0</td>
</tr>
<tr>
<td>Having the specification clearly describe the referenced features in the drawings</td>
<td>7.89</td>
<td>6.88</td>
<td>1.0</td>
</tr>
<tr>
<td>Having the Drawings show the inventive concept</td>
<td>7.83</td>
<td>5.94</td>
<td>1.9</td>
</tr>
<tr>
<td>Having the &quot;Detailed Description of the Invention&quot; expand on the invention disclosed in the &quot;Summary&quot;</td>
<td>7.59</td>
<td>7.07</td>
<td>0.5</td>
</tr>
<tr>
<td>Having the preferred embodiments described in detail</td>
<td>7.43</td>
<td>6.07</td>
<td>1.4</td>
</tr>
<tr>
<td>Using clear terms and correct grammar and syntax</td>
<td>7.74</td>
<td>5.50</td>
<td>2.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Claims</th>
<th>Need</th>
<th>Experience</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having claims that are clear and correct in syntax and grammar</td>
<td>8.76</td>
<td>5.85</td>
<td>2.9</td>
</tr>
<tr>
<td>Having independent claims that capture the same inventive concept disclosed in specification</td>
<td>8.59</td>
<td>4.77</td>
<td>3.8</td>
</tr>
<tr>
<td>Having claim terminology that is highly correlated with language disclosed in the specification</td>
<td>8.23</td>
<td>5.92</td>
<td>2.3</td>
</tr>
<tr>
<td>Having claims that are solely directed to the inventive concept (not broader than the inventive concept)</td>
<td>7.45</td>
<td>3.08</td>
<td>4.4</td>
</tr>
<tr>
<td>Having a reasonable/manageable number of claims</td>
<td>8.74</td>
<td>4.97</td>
<td>3.8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDS</th>
<th>Need</th>
<th>Experience</th>
<th>Gap</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having all citations in IDS in English (translations are provided with submission)</td>
<td>7.53</td>
<td>3.91</td>
<td>3.6</td>
</tr>
<tr>
<td>Having a reasonable/manageable number of references cited in IDS</td>
<td>7.88</td>
<td>5.37</td>
<td>2.5</td>
</tr>
</tbody>
</table>
Prosecution impacts of larger claim sets

**Pendency Impact**

Average Total Months from Filing to Issue, Including any RCE Time

- Up to 20 Claims
- 21-40 Claims
- Over 40 Claims

**Prosecution Path Impact**

Percentage of Issues with at Least One RCE or Appeal

- Percent with RCE
- Percent with Appeal

Legend:
- Blue: Up to 20 Claims
- Red: 21-40 Claims
- Green: Over 40 Claims
Examination time

• Initial changes: October 2019
  – Raising of the production floor
  – Additional time for certain application attributes

• Further changes: October 2020
  – Time based on CPC classification picture, which represents the full scope of technology covered in an application
Performance appraisal plan

• Effective October 2020
  – Roadmap to improved patent quality
    • Particular emphasis on:
      – Search
      – Clarity of the written prosecution record
Application routing

• Finalizes the USPTO’s transition to CPC
• Takes full advantage of examiners expertise and knowledge
  – Applications routed based on examiner work experience ensuring the best examination match
PE2E-Search tool

• Initial roll out on May 27
  – Currently, 1367 examiner users
  – Planned to be in use for all examiners to use by the end of Q3 FY 2021

• Increased prior art search capability
  – EAST/WEST provides examiners access to about 166.7 million documents
  – PE2E-Search currently provides access to 39 million more foreign documents and full English translation documents
  – By Q2 of FY 2021, PE2E-Search will have about 75 million more foreign full image and full English translation documents
Patent Center
Replaces legacy patent application systems (EFS-Web, Public PAIR, Private PAIR) for filing and managing patent applications

Single, unified interface
- Provides increased functionality, better overall ease of use, and an enhanced experience for applicants
- Improves processes for patent application submission, review, and management

Integrates recent technology
- Provides better data quality by receiving and providing structured text (DOCX)
- Leverages uspto.gov account

Status
- Beta release available to everyone since April 2020
- Projected to be completed by end of 2022
- Trained 5100 users
Structured text (DOCX)

• Safe and stable for creating, authoring, and processing IP documents
• Eliminates the need to convert DOCX into a PDF for filing
• DOCX is a common word processing file
• Supported by most popular word processing applications
• Feedback document
  – Pinpoints warnings/errors in the document
  – Reduces examination delays
  – Not part of the file wrapper
• Non-DOCX filing surcharge fee effective January 1, 2022
Questions?